

EENA's feedback on the draft delegated regulation "Emergency communications – improving access through the single European emergency number '112'"

This document details EENA's feedback to the draft Commission Delegated Regulation supplementing Directive (EU)2018/1972 of the European Parliament and of the Council with measures to ensure effective access to emergency services through emergency communications to the single European emergency number '112' (ref. Ares(2022)5630342). This feedback was submitted on 02 September 2022 through the 'Have your Say' online portal maintained by the European Commission.

EENA's opinion

EENA welcomes this draft proposal for a delegated regulation supplementing Directive 2018/1972. The text presents measures to improve the way emergency communications are handled in the European Union and intends to take into account the benefits of packet-switched technology. However, more clarifications are needed in some of the provisions:

Chapter I - Subject Matter, Scope and Definitions

The legislation refers regularly to "timely" and "fast arrival of the emergency services". Greater clarity should be provided on the scope of these terms. Furthermore, it should be added that the "timely communication" and the provision "in a timely manner of contextual information" should be without prejudice to the organisation of emergency services in the Member States'.

Chapter 2 - Caller Location Information

EENA shares the view of the European Commission regarding the impact of accurate and reliable caller location information on the effective handling of an emergency communication. It should be noted that Member States have had an obligation to set criteria for the accuracy and reliability of caller location information since the entry into force of Directive 2009/136/EC. EENA considers that a further step should be taken, and more guidance should be given to the Member States with a common threshold determining an acceptable level of accuracy and reliability. This would prevent a potential situation of 27 different sets of criteria being established while the technologies providing caller location information are similar in all Member States. This threshold could for instance be determined by BEREC.

Furthermore, EENA notes that the Commission makes a distinction between fixed networks and mobile networks when laying down criteria for the accuracy and reliability of caller location information. EENA considers that such criteria should also exist for other origins of emergency communications, such as campus networks or network-independent interpersonal communication services (where such services, whether they are number-based or number-independent, provide access to emergency communications). In this respect, EENA also notes the references to the

European Court of Justice case C 417/18¹ and considers that providing accurate and reliable location information from such networks/services is certainly “within the limits of technical feasibility”.

Chapter 3 - Access to Emergency Services for End-Users with Disabilities

EENA agrees with the functional equivalence requirements that are listed in article 4. In order to ensure that these requirements are fully met by all Member States, EENA would expect greater precision in the text on what “in a seamless way” (article 4(b)), “without delay” (article 4(d)) and “by design” (article 4(f)) imply.

Chapter 4 - Routing to the most appropriate PSAP

When it comes to routing communications to the most appropriate PSAP, EENA is, above all concerned over recent cases of disruption of access to emergency communications in several Member States. Legislation should ensure that access to emergency communications is uninterrupted and if a PSAP is not accessible, calls can be routed to another PSAP.

EENA welcomes the reference to the benefits of transitioning from circuit-switched to packet-switched technologies, including for access to emergency communications for end-users with disabilities, and considers that this transition should be encouraged, as long as it effectively provides quick and reliable access to emergency services for all end-users.

EENA notes that recital (16) considers the possibility of implementing access to emergency services through voice, text or video services through emergency communications via mobile applications. Recital (17) also refers to mobile applications as alternatives to the core network when it comes to the transition to packet-switched technologies. Such provisions are not reflected clearly in the articles and more precise wording is needed. In EENA’s view, while an application may indeed enable the transmission of rich contextual data, native solutions, based on core network services, offer the same capabilities as an application, without requiring the installation and registration of a mobile application by an end-user. Therefore, mobile applications should be considered as “complementary” rather than “alternative” means of access to emergency services through emergency communications. Furthermore, article 6 requires the cooperation from Member States with the European Commission to identify common interoperability requirements to use mobile applications in other Member States. In EENA’s view, such requirements can already be defined, as they should be related to the provision of contextual data and video, text and voice communication. The cooperation between Member States should not be restricted to emergency communications originating on mobile applications and should be enlarged to include other means of access also. In addition, the cooperation should extend to other crucial topics such as the aforementioned location accuracy and reliability criteria and routing of emergency communications in roaming situations (including situations of inadvertent roaming when the communication is routed to a PSAP situated in another country than where the end-user is initiating the communication from). Greater clarification should also be provided as to which platforms of cooperation are foreseen by the European Commission.

Finally, it should be mentioned that article 7(2) refers to article 10 which does not seem to exist in the draft proposal.

¹ Case C 417/18; Judgment of the Court (Fourth Chamber) of 5 September 2019, AW and Others v Lietuvos valstybė and Lietuvos valstybė

Chapter 5 - Reporting

On the obligation of reporting, EENA considers that a specific deadline for implementing emergency communications based on packet-switched technologies should be determined at EU level, in accordance with the deadlines set out in the Directive 2019/882.

About EENA

EENA, the European Emergency Number Association, is a Brussels-based NGO set up in 1999 dedicated to promoting high-quality emergency services reached by the number 112 throughout the EU. EENA serves as a discussion platform for emergency services, public authorities, decision makers, researchers, associations and solution providers with a view to improving the emergency response in accordance with citizens' requirements. EENA is a registered organisation in the *official transparency register* and we deeply believe that the transparency register should be mandatory rather than optional. More information on www.eena.org.

Contact person : Benoît VIVIER, Public Affairs Manager, bv@eena.org